

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PEDRO CASTELLO,

Plaintiff,

**COMPLAINT**

-against-

Under the Civil Rights Act,  
42 U.S.C. § 1983

*CORRECTION OFFICER R.C. SNEDEKER  
D. VENETTOZZI, DIRECTOR - S.H.U.  
C.H.O. HENLEY*

Jury Trial: ☒ Yes [ ] No  
(check one)

Defendants.

**I. Parties in this complaint:**

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name: *PEDRO CASTELLO*

ID#: *93A1393*

Current Institution: *Sing Sing Correctional Facility*

Address: *354 Hunter Street, Ossining, New York 10562*

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 *CORRECTION OFFICER R.C. SNEDEKER  
GREEN HAVEN CORRECTIONAL FACILITY  
P.O. Box 4000  
STORMVILLE, N.Y. 12582*

Defendant No. 2 *D. VENETTOZZI - DIRECTOR OF S.H.U.  
STATE OFFICE CAMPUS - BLDG. # 2  
1220 WASHINGTON AVENUE  
ALBANY, N.Y. 12226*

Defendant No. 3 *COMMISSIONER'S HEARING OFFICER HENLEY  
STATE OFFICE CAMPUS - BLDG # 2  
1220 WASHINGTON AVENUE  
ALBANY, N.Y. 12226*

Defendant No. 4

Defendant No. 5

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

GREEN HAVEN C.F. UPSTATE C.F. & GREAT MEADOW C.F.  
VIOLATION OF DUE PROCESS & WRONGFUL CONFINEMENT IN S.H.U.

B. Where in the institution did the events giving rise to your claim(s) occur?

TIER HEARING ROOM(S) AND CONFINEMENT IN S.H.U. (S)

C. What date and approximate time did the events giving rise to your claim(s) occur?

ON DECEMBER 17, 2015, THROUGHOUT AND TO APRIL 16, 2016  
THE S.H.U. TIME WAS SERVED AT BOTH GREEN HAVEN C.F. AND  
UPSTATE C.F.

D. Facts: ON DECEMBER 17, 2015, C.O. SNEDAKER FABRICATED A FALSE  
MISBEHAVIOR REPORT AGAINST ME. AS A RESULT I WAS PLACED IN  
GREENHAVEN SHU. A HEARING WAS HELD, AND I WAS FOUND GUILTY  
OF RULE VIOLATIONS 113.10 WEAPON; 113.11 ALTERED ITEM; 113.23 CONTRABAND.  
AN APPEAL WAS FILED, AND ON MARCH 30, 2016, DEFENDANTS AFFIRMED THE  
DISPOSITION. THEREAFTER, A CPLR ARTICLE 78 WAS FILED, AND THE  
COURT REVERSED THE DEFENDANT'S DISPOSITION, ORDERED A NEW HEARING  
FOR: RULE 113.10 WEAPON; 113.11 ALTERED ITEM; AND DISMISSED RULE  
VIOLATION 113.23, CONTRABAND. (120 DAYS S.H.U. SERVED AT GREEN HAVEN & UPSTATE)  
ON FEBRUARY 15, 2018, A REHEARING WAS COMPLETED AT THE  
GREAT MEADOW C.F. PLAINTIFF AGAIN WAS FOUND GUILTY BY C.H.O.  
HENLEY, AND THE SAME DISPOSITION WAS IMPOSED. A SECOND  
APPEAL WAS FILED, AGAIN STATING THE SAME DUE PROCESS VIOLATIONS,  
AND ON JUNE 28, 2018, DEFENDANT VENETTOZZI AFFIRMED THE DISPOSITION.

PLAINTIFF THEN FILED A SECOND CPLR ARTICLE 78 AND, ON FEBRUARY 27, 2019, NYS ASSISTANT SOLICITOR GENERAL ADVISED DIRECTOR D. VENETIOZZI TO REVERSE THE DISPOSITION RENDERED ON FEBRUARY 15, 2018, AT THE GREAT MEADOW CORRECTIONAL FACILITY. SAID SECOND CPLR ARTICLE 78 AGAIN RAISED VIOLATIONS OF DUE PROCESS, WHICH LED TO THE ILLEGAL AND WRONGFUL CONFINEMENT THAT IS THE SUBJECT OF THIS INSTANT COMPLAINT.

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

ILLEGALLY AND WRONGFULLY CONFINED TO THE SPECIAL HOUSING UNIT(S) AT GREEN HAVEN C.F. AND UPSTATE C.F. IN VIOLATION OF MINIMUM DUE PROCESS.

SINCE THAT TIME, PLAINTIFF SUFFERS FROM PSYCHOLOGICAL AND EMOTIONAL DISORDERS, ESTRANGED FROM FAMILY, AND SEVERE BOUTS OF ANXIETY AND PANIC ATTACKS.

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

GREEN HAVEN CORRECTIONAL FACILITY  
UPSTATE CORRECTIONAL FACILITY  
GREAT MEADOW CORRECTIONAL FACILITY

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐ (GRIEVANCE PROCESS DOES NOT APPLY)

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐ TIER III HEARINGS HAVE A DIFFERENT APPEAL PROCESS.

- D. Did you file a <sup>APPEAL</sup>~~grievance~~ in the jail, prison, or other correctional facility where your claim(s) arose?

Yes X No     

If NO, did you file a <sup>APPEAL</sup>~~grievance~~ about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes X No     

- E. If you did file a <sup>APPEAL</sup>~~grievance~~, about the events described in this complaint, where did you file the <sup>APPEAL</sup>~~grievance~~?

ADMIN. APPEAL - DIR. OF SHU. 1220 WASHINGTON AVE. ALBANY, N.Y. 12226

1. Which claim(s) in this complaint did you <sup>APPEAL</sup>~~grieve~~?

DENIAL OF DUE PROCESS DURING SUPERINTENDENT'S HEARING  
WRONGFUL CONFINEMENT TO A SPECIAL HOUSING UNIT.

2. What was the result, if any?

MARCH 30, 2016 AFFIRMED

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the ~~grievance~~ process.

FILED AN CPLR ARTICLE 78 PETITION. THE COURT REVERSED THE TIER  
THE HEARING HELD ON 2-29-16, ORDERED A REHEARING FOR RULE 113.10  
WEAPON; § 113.11 ALTERED ITEM; DISMISSING 113.23 CONTRABAND -  
DEFENDANTS ORDERED A NEW HEARING ON 11-27-17

- F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

A DISCIPLINARY AND SUPERINTENDENT'S HEARING DISPOSITION  
IS NOT SUBJECT TO THE INMATE GRIEVANCE PROCESS.  
THE HEARING AND ACTIONS OF EMPLOYEES COMPLAINED OF  
ARE SUBJECT TO 5 NYCRR 7 250 - 254.  
SAID HEARING HAS A SEPERATE AND DISTINCT APPEAL  
PROCESS THROUGH THE OFFICE OF THE DIRECTOR OF S.H.U.  
TO WHICH PLAINTIFF FULLY EXHAUSTED, FINALLY FILING A  
CPLR ARTICLE 78

2. If you did ~~not~~ file a <sup>APPEAL AND</sup>~~grievance~~ but informed any officials of your claim, state who you informed, when and how, and their response, if any:

DIRECTOR OF SPECIAL HOUSING UNITS; AFFIRMED THEN REVERSED  
THEN AFFIRMED, THEN REVERSED PURSUANT TO THE NEW YORK

STATE SOLICITOR GENERAL MARCUS J. MASTRACCO, THEREIN  
VIOLATING AND SHOWING A DELIBERATE INDIFFERENCE TO PLAINTIFF'S  
RIGHT(S) TO MINIMUM PROCEDURAL DUE PROCESS, USCA CONST.  
AMEND. 14; RE: HOSANNAH V. SPOSATO-16-CV-1045; 12-8-21 AT PG. 30 & 31.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

ALL ADMINISTRATIVE REMEDIES WERE EXHAUSTED.  
SAID REMEDIES WERE DETERMINED THAT DEFENDANT'S VIOLATED  
PLAINTIFF'S RIGHTS UNDER THE 8<sup>TH</sup> AMENDMENT - ILLEGAL AND  
WRONGFUL CONFINEMENT TO S.H.U. WHEREIN SUCH PLACEMENT  
IN FACILITIES SPECIAL HOUSING UNITS WERE DONE IN  
VIOLATION OF THE 14<sup>TH</sup> AMENDMENT OF THE U.S. CONSTITUTION.  
RE: DELIBERATE INDIFFERENCE TO PROCEDURAL DUE PROCESS.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

#### V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

TO HOLD THE DEFENDANTS ACCOUNTABLE  
FOR THEIR INTENTIONALLY VIOLATING MY RIGHTS TO DUE PROCESS;  
WHEREIN THEY WILLFULLY ILLEGALLY AND WRONGFULLY CONFINED  
PLAINTIFF IN FACILITIES SPECIAL HOUSING UNITS.  
THESE ACTS WERE COMMITTED BY DEFENDANT'S DESPITE THE  
FACTS THAT PLAINTIFF REPEATEDLY COMPLAINED TO THE DEFENDANTS  
THAT THE HEARINGS WERE BEING HELD IN VIOLATION OF THEIR  
OWN RULES ENUMERATED UNDER 5 NYCRR 250-THRU 254.

PLAINTIFF IS SEEKING MONETARY JUDGMENT AND COMPENSATION  
IN THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000.00)  
FOR THE 120 DAYS IN S.H.U. AS WELL AS FOR THE PAIN  
AND MENTAL ANGUISH COMPLAINED OF HEREIN.

RE: DELIBERATE INDIFFERENCE TO PROCEDURAL DUE PROCESS

OUTLAW V. CITY OF HARTFORD, 884 F.3d 351, 367 (2d Cir. 2018)  
64 S.D.C. - S.D.N.Y. HOSANNAH V. SPOSATO 16 CV-1045 (12-8-21) AT  
PAGES 30, 31 OF THE REPORT AND RECOMMENDATION (HON. LOCKE)

#### VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_\_\_ No X

- B. If you answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit: N/A  
 Plaintiff: \_\_\_\_\_  
 Defendants: \_\_\_\_\_
2. Court (if federal court, name the district; if state court, name the county): N/A
3. Docket or Index number: N/A
4. Name of Judge assigned to your case: N/A
5. Approximate date of filing lawsuit: N/A
6. Is the case still pending? Yes \_\_\_\_\_ No N/A  
 If NO, give the approximate date of disposition N/A
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?  
 Yes \_\_\_\_\_ No N/A

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit: N/A  
 Plaintiff: \_\_\_\_\_  
 Defendants: \_\_\_\_\_
2. Court (if federal court, name the district; if state court, name the county): N/A
3. Docket or Index number: N/A
4. Name of Judge assigned to your case: N/A
5. Approximate date of filing lawsuit: N/A
6. Is the case still pending? Yes \_\_\_\_\_ No N/A  
 If NO, give the approximate date of disposition N/A
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed this \_\_\_ day of 12/20, 2021

Signature of Plaintiff:

Inmate Number:

Institution Address:

Pedro Castillo  
93A1393  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, New York 10562

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

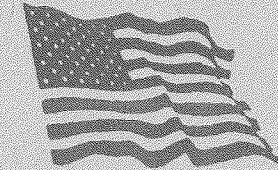
I declare under penalty of perjury that on this \_\_\_ day of 12/20, 2021, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007-1312

Signature of Plaintiff: \_\_\_\_\_



Pedro Castillo #93A1393  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, NY 10562

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LEGAL  
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Pro Se <sup>JKR</sup>

CLERK  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
THE DANIEL PATRICK MOYNIHAN  
US COURTHOUSE-500 PEARL STREET  
NEW YORK, NY 10007-1312

